

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROLAND GRAHAM,
Plaintiff,

v.

DOUGLAS P. EARL, et al.
Defendants.

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CIVIL ACTION NO. 21-CV-0386

ORDER

AND NOW, this 11th day of February, 2021, upon consideration of Roland Graham's Motion to Proceed *In Forma Pauperis* (ECF No. 1), Prisoner Trust Fund Account Statement (ECF No. 3), and *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Roland Graham, #1140023, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of the Philadelphia Industrial Correctional Facility or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Graham's inmate account; or (b) the average monthly balance in Graham's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Graham's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Graham's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this Order to the Warden of the Philadelphia Industrial Correctional Facility.
4. The Complaint is **DEEMED** filed.
5. Graham's federal claims are **DISMISSED WITH PREJUDICE** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Graham's state law claims are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.
6. Graham is not granted leave to file an amended complaint in this matter.
7. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.